

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELISSA M. DUTZ,

Plaintiff,

Case No. 2:20-cv-12379

HONORABLE STEPHEN J. MURPHY, III

v.

LAW OFFICES OF TIMOTHY E.
BAXTER & ASSOCIATES, P.C.,

Defendant.

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ORDER OF VOLUNTARY DISMISSAL

Plaintiff Melissa Dutz sued Defendant in September 2020. ECF 1. Service was executed on December 1, 2020. ECF 4. In response, Defendant moved to dismiss the complaint. ECF 5. Plaintiff then filed a notice of voluntary dismissal without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(i). ECF 7, PgID 57. The rule, however, is inapplicable because Defendant has filed a responsive pleading. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) (a party may dismiss *without* a court order "before the opposing party serves either an answer or a motion for summary judgment"). The Court urges the parties to more carefully read the Rules and comply with them. In any event, the Court will construe the notice as a stipulated request for voluntary dismissal and dismiss the case without prejudice under Fed. R. Civ. P. 41(a)(2).

WHEREFORE, it is hereby **ORDERED** that Defendant is **DISMISSED WITHOUT PREJUDICE**.

This is a final order that closes the case.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: January 5, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 5, 2021, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager